

HOUSE BILL 3689

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 5 and Title 68, relative to permitting by the department of environment and conservation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 5, is amended by adding the following as a new section thereto:

4-3-506.

(a) It is the intent of the general assembly that any permit issued by the department of environment and conservation be issued or denied within ninety (90) days of the submission of a substantially completed permit application unless a shorter period is currently required by statute or rule. The commissioner shall establish management systems designed to achieve this goal.

(b)

(1) The commissioner shall prepare semiannual permitting efficiency reports that include statistics on meeting the goal in subsection (a). The reports are due February 1 and August 1 of each year beginning in 2013.

(2) For permit applications that have not met the goal, the report must state the reasons for not meeting the goal, steps that will be taken to complete action on the application, and the expected timeline. In stating the reasons for not meeting the goal, the commissioner shall separately identify delays caused by the responsiveness of the applicant, lack of staff, scientific or technical disagreements, or the level of public engagement.



(3) The report shall specify the number of days from initial submission of the application to the day of determination that the application is complete. The report due August 1 of each year must aggregate the data for the year and assess whether the program or system changes are necessary to achieve the goal.

(4) The report shall be posted on the department's web site and electronically submitted to the governor and members of the general assembly.

(c) Beginning July 1, 2012, within thirty (30) business days of application for a permit subject to this section, the commissioner shall notify the applicant, in writing, of whether or not the permit application is complete enough for processing. If the permit is incomplete, the commissioner must identify where deficiencies exist and advise the applicant on how they can be remedied. A resubmittal of the application begins a new thirty-day review period. If the commissioner fails to notify the applicant of completeness within thirty (30) business days, the application is deemed to be substantially complete and subject to the ninety-day permitting period in subsection (a) from the date it was submitted.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.